



**Meeting Minutes**  
**North Hampton Planning Board**  
**Tuesday, July 3, 2018 at 6:30pm**  
**Town Hall, 231 Atlantic Avenue**

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

**In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Dan Derby, Wally Kilgore, and Jim Maggiore, Select Board Representative; Alternate Member Lauri Etela; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:35pm.

Mr. Harned appointed Mr. Etela to stand in for Mr. Wilson.

**I. New Business**

- 1. Case #18:09 – Applicant, Donald Cook – D.D. Cook Builders, Inc., P.O. Box 697, Greenland, NH 03840.** The Applicant requests Planning Board review of a condominium conversion plan for duplex units. Property Owner: D.D. Cook Builders, Inc., 449 Portsmouth Avenue, Greenland, NH 03840. Property Location: 70-1, 70-2, 72-1, and 72-2 Mill Road, North Hampton, NH 03862; M/L: 007-002-001 and 007-002-002; Zoning District: R-1, High Density District.

In attendance for this application:

Donald Cook, applicant; John Chagnon, engineer for the applicant.

Mr. Chagnon addressed the Board. Mr. Chagnon stated that the properties previously received subdivision approval and a 2016 lot line adjustment approval from the Planning Board in order for the properties to meet the zoning ordinance requirements to construct duplexes on the lots. A drainage study has been completed and approved by the Building Inspector. Construction of the duplexes on both lots is underway. The applicant would like to submit the properties to condominium use and ownership. Per the Town of North Hampton Subdivision Regulations, a condominium conveyance is a type of subdivision which requires Planning Board review.

Mr. Chagnon presented the following items to the Board for review:

- a. condominium site plan
- b. unit floor plans
- c. utilities plan
- d. declaration of condominium document
- e. NHDOT driveway permit for shared driveway
- f. location of common areas
- g. location of parking spaces

Mr. Chagnon also presented review letters from Town Counsel indicating satisfaction with condominium documents and Town Planning Consultant indicating satisfaction with the plans.

**Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the application for Case #18:09 to review condominium plans associated with duplex buildings at 70 and 72 Mill Road. Second by Mr. Derby.**

Discussion of motion – Mr. Milner noted that, due to the unique nature of the application, the Board would need to either grant several waivers to the Subdivision Regulations or find that the waivers are not necessary.

**Ms. Monaghan and Mr. Derby withdrew the motion and the second.**

**Ms. Monaghan moved that the Planning Board find that waivers are not necessary for the Case #18:09 application to review condominium plans associated with duplex buildings at 70 and 72 Mill Road. Second by Mr. Derby. The vote was unanimous in favor of the motion (6-0).**

**Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the application for Case #18:09 to review condominium plans associated with duplex buildings at 70 and 72 Mill Road. Second by Mr. Derby. The vote was unanimous in favor of the motion (6-0).**

Ms. Monaghan asked for clarification regarding language in the condominium association documents detailing allowed business uses within the residential units. This statement may conflict with town ordinances.

Mr. Chagnon explained that the document language indicates a requirement to adhere to state and local law.

Mr. Harned stated that language indicating that all units shall be used in a manner which complies with the Town of North Hampton Zoning Ordinance and Building Code be added to provide further clarification that home occupations must receive the appropriate town approvals prior to commencing operations.

Mr. Cook agreed to add the suggested language to the document.

Ms. Monaghan asked if the optional annual reporting to the Town of North Hampton regarding drainage system maintenance could be made mandatory.

Mr. Cook agreed to amend the language as suggested by Ms. Monaghan.

Mr. Harned stated that there was an issue regarding the movement of parts of the stone wall which delineated an easement path through the Mill Road properties to conservation land behind the properties.

Mr. Cook explained that the stone wall was disturbed during the construction process for one of the duplexes. He intends to repair the stone wall to a traditional condition in the disturbed locations. There are other natural pre-existing openings in the stone wall that will remain. There also will be openings provided to allow property owners access to the easement path.

Mr. Harned suggested that the applicant indicate all breaks in the stone wall on the condominium plan submitted for recording. Mr. Harned also asked if the applicant was willing to limit the amount of newly

created openings in the stone wall on both sides of the easement path to three openings, one opening per each of the three limited common areas indicated in the condominium plans as abutting the stone wall, the openings not exceed four feet in width, and designate the openings on the condominium plan submitted for recording.

Mr. Cook agreed to make the revisions to the condominium plan as suggested by Mr. Harned.

Mr. Harned opened the public hearing at 6:55pm. No comments were made. Mr. Harned closed the public hearing at 6:56pm.

**Mr. Maggiore moved that the Planning Board has no objection to the official recording of the condominium plan and associated condominium association documents subject to the following changes being made to the declaration of condominium document and condominium site plan:**  
**a. Language indicating that all units shall be used in a manner which complies with the Town of North Hampton Zoning Ordinance and Building Code shall be added to the condominium association document to provide further clarification that home occupations must receive the appropriate town approvals prior to commencing operations.**

**b. Language in the condominium association document shall be amended to indicate annual reporting to the Town of North Hampton regarding drainage system maintenance be mandatory.**

**c. The condominium plan shall be revised to indicate all breaks in the stone wall on the condominium plan submitted for recording. The amount of newly created openings in the stone wall on both sides of the easement path shall be limited to three openings, one opening on both sides of the easement path per each of the three limited common areas indicated in the condominium plans as abutting the stone wall. The newly created openings shall not exceed four feet in width. The newly created openings shall also be indicated on the condominium plan submitted for recording.**

**Second by Ms. Monaghan. The vote was unanimous in favor of the motion (6-0).**

**2. Case #18:10 – Applicant, Charles A. Lamprey, Jr. – JLCL Real Estate Development, LLC, 25 New Road, North Hampton, NH 03862.** The Applicant requests a Site Plan Review to construct a 12,460 square foot, 6-unit commercial building. Property Owner: JLCL Real Estate Development, LLC, 39 Cedar Road, North Hampton, NH 03862. Property Location: 35 Cedar Road, North Hampton, NH 03862; M/L: 007-054-000; Zoning District: I-B/R, Industrial - Business/Residential District.

In attendance for this application:

Charles A. Lamprey, Jr, applicant; Henry Boyd, engineer for the applicant.

Mr. Boyd addressed the Board. Mr. Boyd stated that the applicant proposed to construct a 12,460 square foot, 6-unit commercial building on the 1.5 acre cleared, vacant lot located at 35 Cedar Road. The proposed building would be similar in nature and appearance to the building that the applicant owns on the abutting lot at 39 Cedar Road. The proposed uses for the new building would be similar to the uses at 39 Cedar Road. Mr. Boyd presented a site plan and associated drawings to the Board which indicated the following:

- a. a grass swale infiltration basin on the north side of the property for site drainage
- b. NHDES approval for septic system on front side of the property near the road
- c. driveway access off of Cedar Road where original gravel driveway previously existed
- d. additional driveway access to the building from paved right of way on the east side of the property
- e. lighting grid, grading, landscaping, drainage, and erosion control

f. proposed building design, size, and height.

Mr. Boyd presented letters from the Fire Department and Department of Public Works indicating that the departments had no concerns with the proposed site plan. Mr. Boyd further stated that he believed that the proposed site plan was in compliance with the Site Plan Regulations with the possible exception of the parking requirements. Circuit Rider Planner Jennifer Rowden indicated in her review letter that square footages for proposed uses within the building are not known. Therefore, an accurate calculation of the required number of parking spaces for the site cannot be provided.

Mr. Derby stated that he believes that it is difficult for a property owner to specify exact uses for a proposed building when the potential users are not yet known. He asked if there were other options to address the parking situation without having to specify the exact known uses for the proposed building units.

Mr. Milner stated that, while he prefers to have the proposed uses for the units and the required parking for those uses known prior to site plan approval, the Board could create a condition of approval which states that prior to occupancy of the building by any potential tenant that the parking requirements for all uses within the building be evaluated together to ensure that no greater than the proposed 22 parking spaces is required for all of the uses within the building, including the potential tenant. If the parking requirement for all uses exceeds the 22 parking spaces provided on the site, the potential tenant would not be allowed to occupy the unit. If the property owner wished to have any uses within the building which exceeded the allowed parking, then the property owner would have to submit an amended site plan and receive Planning Board approval.

Mr. Harned suggested the following language for a condition of approval - Any time that there is a change of use or a change of tenant on an individual unit at the 35 Cedar Road site, the Building Department will review all of the uses for the site together and determine the sum total of the parking requirements for all of the uses. If the sum total parking requirement for all of the uses on the site exceeds the 22 parking spaces shown on the approved site plan, then the change of use or change of tenant will not be allowed without approval from the Planning Board.

Mr. Lamprey agreed to the proposed condition of approval.

Mr. Maggiore stated his concern regarding increased traffic within the residential neighborhood of Cedar Road. He further stated that he is pleased to see a site plan which limits the amount of traffic which may frequent the area.

Mr. Harned asked for clarification regarding the multiple easement rights referenced on the site plan and the deed documents.

Mr. Boyd explained that the multiple references are for the same right of way easement covering many years of property transfers.

Ms. Monaghan asked for clarification regarding the 10 foot landscaping buffer.

Mr. Boyd reviewed the plantings for the 10 foot landscaping buffer with the Board and stated that the buffer will be delineated on the final set of plans.

Ms. Monaghan stated that the outdoor lighting section of the zoning ordinance is proposed to be changed by limiting the source of illuminance for LED lighting to a correlated color temperature no greater than 3000 Kelvin. She asked if the applicant was willing to adjust the specifications of the proposed site lighting to conform to the proposed regulation.

Mr. Lamprey agreed to adjust the correlated color temperature lighting specifications to be no greater than 3000 Kelvin.

**Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the application for Case #18:10 to construct a 12,460 square foot, 6-unit commercial building with the understanding that the parking space and landscape buffer matters will be resolved by conditions of approval. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (6-0).**

Mr. Kilgore and Ms. Monaghan asked for clarification regarding loading dock, rear doors, and delivery truck turn spacing.

Mr. Boyd explained that there would be no loading docks, just overhead doors. Adequate space has been provided for delivery truck access and turning.

Mr. Harned opened the public hearing at 7:42pm. No comments were made. Mr. Harned closed the public hearing at 7:43pm.

**Ms. Monaghan moved that the Planning Board approve the Site Plan Review application for Case #18:10 to construct a 12,460 square foot, 6-unit commercial building at 35 Cedar Road subject to the following conditions:**

**1. Applicant shall submit a letter from Aquarion Water Company acknowledging the water company's ability and intent to serve the 35 Cedar Road property.**

**2. Applicant shall submit evidence of receipt of an approved Town of North Hampton driveway permit.**

**3. Applicant shall provide a performance guarantee approved by the Town Engineer and in a form acceptable to the Town of North Hampton to ensure for the Town the following elements of site construction:**

**a. installation and maintenance of specified erosion and sedimentation controls throughout the construction period,**

**b. site restoration in the event of abandonment, and**

**c. installation of specified landscape improvements.**

**A portion of the performance guarantee in an amount equal to 25% of the cost for materials and installation of the landscaping features shall be held by the Town of North Hampton for two growing seasons after installation of plantings to ensure prompt replacement of any dead plantings.**

**Administration and release of remaining performance guarantee amounts shall be in accordance with the Town of North Hampton Site Plan Regulations.**

**4. The final site plan shall be expanded to provide details of the construction of the proposed business sign for the property sufficient to demonstrate compliance with requirements of Section 506 of the Town of North Hampton Zoning Ordinance.**

**5. A note shall be added to the recorded page of the plan stating that any time that there is a change of use or a change of tenant on an individual unit at the 35 Cedar Road site, the Building Department**

will review all of the uses for the site together and determine the sum total of the parking requirements for all of the uses. If the sum total parking requirement for all of the uses on the site exceeds the 22 parking spaces shown on the approved site plan, then the change of use or change of tenant will not be allowed without approval from the Planning Board.

6. The required 10 foot landscaping buffer shall be delineated on the recorded page of the plan and the landscaping page of the plan set.

7. The lighting specifications of the final plan set shall be changed to indicate a correlated color temperature of no greater than 3000 Kelvin.

8. A note shall be added to the recorded page of the plan stating that the owner of the property is required to submit an annual report to the Town of North Hampton by September 1 of each year that all stormwater and erosion control measures are functioning as designed.

9. A note shall be added to the recorded page of the plan that any use requiring a special exception or variance must receive approval from the Zoning Board of Adjustment prior to an occupancy permit being issued.

10. Applicant shall submit a clean letter from the Town Engineer.

11. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of all licensed professionals whose names appear on the plan. All conditions of approval shall be listed on the Mylar pursuant to NH RSA 676:3.III.

12. Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed Land Surveyor, certifying that all monuments depicted on the plan have been properly set.

13. Applicant shall submit evidence of receipt of all required federal, state, and local permits including, but not limited to, NHDOT driveway and NHDES subsurface system approvals and shall note their numbers, as appropriate, on the recorded page of the plan.

14. Applicant shall submit a check made payable to the Rockingham County Registry of Deeds in the amount of \$25.00 for mandatory state fee to fund the Land and Community Heritage Investment Program (LCHIP).

15. All fees incurred by the Planning Board including, but not limited to, consulting, engineering and legal fees, have been paid by the applicant.

16. There shall be no changes to the approved site plan on the recordable Mylar except to meet these conditions of approval.

**Second by Mr. Derby. The vote was unanimous in favor of the motion (6-0).**

## **II. Other Business**

1. Review of RPC Circuit Rider Planner contract.

Mr. Milner presented the contract with the Rockingham Planning Commission (RPC) for services provided to the Town of North Hampton by the RPC Circuit Rider Planner.

**Ms. Monaghan moved that the Planning Board recommend acceptance of the RPC Circuit Rider Services contract by the Select Board and authorize the Planning Board Chair to sign the contract. Second by Mr. Kilgore. The vote was unanimous in favor of the motion (6-0).**

2. Review of Master Plan consultant contract and allocation of operating budget funds.

Mr. Milner presented the contract with the RPC for planning assistance provided to the Town of North Hampton by the RPC associated with updates to the Master Plan. Mr. Derby explained the tasks outlined in the contract, such as reviewing existing Master Plan chapters for potential updates and providing a template to aid in the drafting of future Master plan chapters. The Long Range Planning Committee is

seeking the full Board's approval to use \$2,500.00 allocated in the Special Studies line item of the Planning Board operating budget to pay for the contract.

**Mr. Derby moved that the Planning Board accept the Master Plan consultant contract, approve the expenditure of \$2,500.00 from the Special Studies line of the Planning Board operating budget, and authorize the Planning Board Chair to sign the contract. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (6-0).**

3. Minutes.

Mr. Harned presented the minutes of the June 5, 2018 Planning Board meeting.

**Ms. Monaghan moved that the Planning Board accept the minutes of the June 5, 2018 Planning Board meeting as written. Second by Mr. Derby. The vote was unanimous in favor of the motion (6-0).**

Mr. Harned presented the minutes of the June 19, 2018 Planning Board meeting.

**Ms. Monaghan moved that the Planning Board accept the minutes of the June 19, 2018 Planning Board meeting as written. Second by Mr. Derby. The vote was 4-0-2 in favor of the motion with Mr. Maggiore and Mr. Etela abstaining.**

The meeting was adjourned at 8:04pm without objection.

Respectfully submitted,

Rick Milner  
Recording Secretary